

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 06-028-SLR
)	
SWISSLOG ITALIA S.P.A. and)	
TRANSLOGIC CORPORATION,)	
)	
Defendants.)	

O R D E R

At Wilmington this 18th day of May, 2010, having reviewed the Report and Recommendation of Magistrate Judge Leonard P. Stark, as well as the parties' objections thereto, and consistent with the memorandum opinion issued this same date;

IT IS ORDERED that the disputed claim language of U.S. Patent Nos. 5,468,110 ("the '110 patent") and 5,593,267 ("the '267 patent") shall be construed consistent with the tenets of claim construction set forth by the United States Court of Appeals for the Federal Circuit in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005), as follows:

1. "[X], y coordinate/ x, y coordinate location:"¹ "one or more points that designates a position in the package holding means."
2. "[S]torage area location:"² This limitation does not require construction.
3. "[P]ackage reader associated with the picking means:"³ "a device that provides the identity of a package to the computer directing the picking means."

¹'110 patent, claim 1 (and dependent claims).

²*Id.*

³*Id.*

4. “[P]icking means/automated picking means:”⁴ the function of the limitation is “to hold packages, to select packages from the storage area locations and place packages in the storage area locations in accordance with computer controlled instructions.” The structure corresponding to this function is “picking means 38.”

5. “[X], y coordinate location/ x and y coordinate:”⁵ “one or more points that designates a position in the holding means or supply structure.”

6. “[M]eans for picking medicine packages from the support rods:”⁶ the function of the limitation is “picking medicine packages from the support rods in accordance with instructions received from a computer.” The structure corresponding to this function is “picking means 38.”

7. “[M]eans for obtaining a medicine package/obtaining means:”⁷ the function of the limitation is “obtaining a medicine package.” The structure corresponding to this function is “obtaining means 50.”

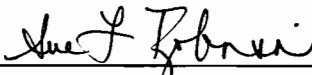
⁴*Id.*

⁵267 patent, claims 1 and 7 (and dependent claims).

⁶*Id.*, claim 1 (and dependent claims).

⁷*Id.*, claim 4.

8. “[P]icking means for picking packages from the support rods in accordance with instructions received from a computer.”⁸ “a device having a housing, means for storing packages, means for producing a suction, a suction rod, and a means for sensing.”



United States District Judge

⁸*Id.*, claims 1 and 7 (and dependent claims).